

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN PAUL GOMEZ,

Plaintiff,

v.

**Civil Action 2:23-cv-1058
Judge Sarah D. Morrison
Magistrate Judge Chelsey M. Vascura**

DAVID RYAN, *et al.*,

Defendants.

ORDER

This matter is before the Court on Plaintiff's Motion for Leave of Court and/or Extension of Time (ECF No. 46). On June 21, 2023, the Court *sua sponte* granted Plaintiff an extension of time to effect service of process as to Defendants Favreau, Nau, and Starr, to July 21, 2023.

(ECF No. 34.) Plaintiff asserts that Defendant Starr executed the issued summons, but the issued summonses as to Defendants Nau and Starr were returned unexecuted. (ECF No. 46.)

Accordingly, on July 11, 2023, Plaintiff filed new Requests for Issuance of a Summons as to Defendants Favreau and Nau, which the Clerk issued on July 12, 2023 (ECF Nos. 41, 42, and 43.) On July 17, 2023, a copy of the Complaint and issued summonses were sent via certified mail by the Clerk's Office. (ECF No. 47.) Plaintiff therefore seeks an extension of time to complete service on Defendants Favreau and Nau.

Plaintiff further seeks an extension of time to respond to Defendants' Motions to Dismiss. By way of background, Plaintiff's Amended Complaint names eight defendants (ECF No. 8.) As set forth above, two of those defendants have yet to be served. On June 1, 2023, this Court

granted Plaintiff “an extension of time to respond to Defendants together in one pleading at such time upon the filing of all Answers.” (ECF Nos. 13, 14.) Since that time, Defendants David Bennett and Erin Welch also filed Motions to Dismiss (ECF Nos. 44, 45.) Plaintiff asserts that because new summonses were issued for two defendants, he will “need additional time to respond to all Motions to Dismiss after the same is returned executed.” (ECF No. 46.)

For good cause shown, Plaintiff’s Motion (ECF No. 46) is **GRANTED**. Plaintiff shall effect service of process as to Defendants Favreau and Nau by **August 21, 2023**. Plaintiff’s deadline to respond to the pending Motions to Dismiss (ECF Nos. 10, 44, and 45) and any other motions to dismiss that may be filed by the remaining Defendants, is **EXTENDED to October 2, 2023**.

IT IS SO ORDERED.

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE